10854

SUIT NUMBER:

DERMIT HART ROURD OF LOURT

2014, JUH J. AM 10:16

Loonna Taylor

VS.

STATE OF LOUISIANA, DEPARTMENT

OF TRANSPORTATION & DEVELOPMENT

23RD JUDICIAL DISTRI

PARISH OF ASCENSION

WRENWOOD, LLC

STATE OF LOUISIANA

DIVISION B

PETITION

The petition of the STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, legal successor to the Department of Highways, created and organized under the laws of the State of Louisiana, with its domicile in the City of Baton Rouge, Parish of East Baton Rouge, State of Louisiana, with respect, represents that:

Ī,

WRENWOOD, LLC, a Limited Liability Company, domiciled in Baton Rouge, Louisiana, is the defendant herein.

2.

The Department of Transportation and Development, proposes to construct in the Parish of Ascension, a certain project designated as State Project No. H.002370 (260-01-0026), LA 42 (US 61 – LA 44), State Route LA 42, which project is more fully described by a Certificate of Authorization to Expropriate, approved by the Secretary, Department of Transportation and Development on July 3, 2012, which declares that it is necessary and useful to take immediately the hereinafter described property for highway purposes, a certified copy of said Certificate of Authorization to Expropriate being marked "Exhibit P-1," attached hereto and made a part hereof.

3.

The construction of said project will be greatly conducive to the public interest, convenience and safety, and will be an important improvement in the State Highway System.

4.

Petitioner has surveyed the right of way and laid out the centerline thereof for said project as the same will exist after said project is completed, and the width of the right of way has been fixed by the Chief Engineer of the Department of Transportation and Development, as shown by his certificate marked "Exhibit P-2," annexed hereto and made a part hereof.

5.

Included within the right of way required for said project is certain property believed to be owned by the defendants, required in full ownership, and described as follows, to-wit:

Two (2) certain tracts or parcels of land, together with all of the improvements situated wholly or partially there on, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise apportaining, situated in the Parish of Ascension, State of Louisiana, and in Section 25, Township 8 South, Range 2 East, Southeastern East of the Mississippi River Land District, identified as Parcel Nos. 14-7 & 14-8, on a white print of a plat of survey, consisting of Sheet No. 14A, made by Bryan T. Bunch, Registered Land Surveyor, dated 9/26/2011, revised, annexed to the above numbered and entitled suit, said tracts or parcels being outlined in red and being more particularly described in accordance with said plat of survey, as follows:

REQUIRED IN FULL OWNERSHIP

PARCEL NO. 14-7:

From a point on the centerline of Construction State Project No. H.002370 (260-01-0026), at Highway Survey Station 166+91.14, proceed S01°25'24"E a distance of 28.02 feet to the point of beginning; thence proceed N89°19'47"E a distance of 14.77 feet to a point and corner; thence proceed S01°25'24"E a distance of 26.57 feet to a point and corner; thence proceed S87°41'38"W a distance of 14.77 feet to a point and corner; thence proceed N01°25'24"W a distance of 26.99 feet to the point of beginning. All of which comprises Parcel 14-7 as shown on Sheet 14a of the Right of Way Plans of State Project No. H.002370 (260-01-0026), and contains an area of approximately 395.5 square feet or 0.009 of an acre.

PARCEL NO. 14-8:

From a point on the centerline of Construction State Project No. H.002370 (260-01-0026), at Highway Survey Station 167+56.15, proceed S01°25'24"E a distance of 27.91 feet to the point of beginning; thence proceed N89°20'37"E a distance of 15.00 feet to a point and corner; thence proceed S01°25'24"E a distance of 27.14 feet to a point and corner; thence proceed N88°23'40"W a distance of 15.02 feet to a point and corner; thence proceed N01°25'24"W a distance of 26.54 feet to the point of beginning. All of which comprises Parcel 14-8 as shown on Sheet 14a of the Right of Way Plans of State Project No. H.002370 (260-01-0026), and contains an area of approximately 402.6 square feet or 0.009 of an acre.

Being a portion of the same property acquired by defendant by Act recorded 6/20/2011, in Entry 775465, of the conveyance records of Ascension Parish, State of Louisiana.

This property is outlined in red on a plat of survey marked "Exhibit P-3," annexed hereto and made a part hereof.

7.

This property is a portion of a larger tract believed to be owned by the defendant.

8.

There are no buildings situated wholly or partially upon the above described property, and the only improvement situated wholly or partially thereon consists of signs, light pole, and landscaping.

9

The location and design of the improvements proposed by said project are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public, as shown by the Certificate on Location and Design, which is marked "Exhibit P-4," annexed hereto and made a part hereof.

10.

In order to construct said project in a manner and mode conducive to the public interest, convenience and safety, it is necessary that petitioner acquire in full ownership the described property, together with all of the improvements situated wholly or partially thereon, subject to the mineral reservation set forth below, which property petitioner has attempted to acquire amicably but has been unable to do so.

11.

Therefore, it is necessary for petitioner to expropriate in full ownership the above described property, together with all of the improvements situated wholly or partially thereon, subject to the mineral reservation set forth below.

12.

The expropriation of the full ownership of the property described above shall be made subject to the reservation, which is imprescriptible as authorized by LA R.S. 31:149, in favor of the owners of all oil or gas located under the property described above, or the royalties therefrom, in accordance with law, and subject to any existing oil or gas reservation or to any existing oil or gas lease.

The just compensation to which the defendants are entitled, being the compensation for the full ownership of the above described property, together with all of the improvements situated wholly or partially thereon, subject to the mineral reservation set forth herein, has been estimated to be the sum of Thirty-Six Thousand Eighty-Five and No/100 Dollars (\$36,085.00), as shown by the written estimate of compensation marked "Exhibit P-5A" annexed hereto and made a part hereof.

14.

Petitioner is entitled to expropriate the full ownership of the above described property, together with all of the improvements situated wholly or partially thereon, subject to the mineral reservation set forth herein, in a manner authorized by Article 1, Section 4 of the Constitution of the State of Louisiana for the year 1974, and Title 48 of the Louisiana Revised Statutes of 1950, Sections 441 to 460, inclusive as amended and reenacted.

15.

Petitioner is entitled to trial by jury as authorized by Title 48 of the Louisiana Revised Statutes, Section 451.2, as amended and reenacted.

16.

Petitioner desires to utilize the cash deposit authorized by Article 1734.I of the Louisiana Code of Civil Procedure and desires that the amount of the deposit be fixed as required by law.

17.

Petitioner requests written notice at least thirty (30) days prior thereto of any trial, motion or other proceeding scheduled to come before this Honorable Court in this lawsuit in accordance with Title 48 of the Louisiana Revised Statutes, Section 451, and also requests notice of any interlocutory or final order, decree or judgment rendered and signed in this lawsuit as provided by Louisiana Code of Civil Procedure.

Petitioner cannot locate Wrenwood, LLC through their registered agent for service of process and consequently, it is necessary that an Attorney at Law be appointed to represent Wrenwood, LLC, to whom service of process may be made and against whom these proceedings may be carried on contradictorily.

WHEREFORE PETITIONER PRAYS that an order issue herein directing petitioner to deposit in the registry of this court the sum of Thirty-Six Thousand Eighty-Five and No/100 Dollars (\$36,085.00) for payment to the person or persons entitled thereto, and declaring that the full ownership of the above described property, together with all of the improvements situated wholly or partially thereon, and subject to the mineral reservation set forth herein, has been taken for highway purposes as of the time such deposit is made.

PETITIONER FURTHER PRAYS that said order direct the defendant to surrender to petitioner possession of said property.

PETITIONER FURTHER PRAYS that the Order of Expropriation in this matter be recorded in the conveyance records of this Parish.

PETITIONER FURTHER PRAYS that notice of this expropriation be issued and served upon Wrenwood, LLC, together with a certified copy of this petition, the order of expropriation of this court and the receipt of the Clerk of Court for the deposit made, according to law.

PETITIONER FURTHER PRAYS that an Attorney at Law be appointed to represent Wrenwood, LLC, as authorized in La. C.C.P. Article 5091, as amended.

PETITIONER FURTHER PRAYS that this matter be tried by jury and that it be allowed to utilize the cash deposit authorized by LA C.C.P. Article 1734.1.

PETITIONER FURTHER PRAYS that it be served with written notice of any trial, motion or other proceeding scheduled before this Honorable Court in accordance with LA R.S. Article 48:451, and that it be served with notice of any interlocutory or final order, decree or judgment rendered and signed as provided by Louisiana Code of Civil Procedure.

PETITIONER FURTHER PRAYS that upon a final hearing herein there be judgment herein in favor of petitioner fixing the amount of just compensation at a sum not to exceed Thirty-Six Thousand Eighty-Five and No/100 Dollars (\$36,085.00).

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT OFFICE OF THE GENERAL COUNSEL

BY:

Of Counsel

Mark A. Johnson / Bar Roll No. 23406

1201 Capitol Access Road Baton Rouge, LA 70802

P. O. Box 94245

Baton Rouge, LA 70804-9245

Telephone: (225) 242-4665 Facsimile: (225) 242-4690 Attorney for State, DOTD

PLEASE SERVE:

Wrenwood, LLC Through a court appointed attorney

RECEIVED AND FILED KERMIT HART BOUROUE CLERK OF COURT

STATE OF LOUISIANA, DEPARTMENT: A SIGNSUIT NUMBER: 10354
OF TRANSPORTATION & DEVELOPMENT PAYOR

VS. DYCLERK & RECORF BUDICIAL DISTRICT COURT ASCENSION PARISH LA.

PARISH OF ASCENSION

WRENWOOD, L.L.C. STATE OF LOUISIANA

ORDER

The foregoing considered:

IT IS ORDERED that Cody Martin Attorney at Law, whose address is _______, and whose telephone number is _______, be and is hereby appointed to represent

Original Signed by Thomas J. Kliebert, Jr.

Wrenwood, LLC, as authorized in La. C.C.P. Article 5091, as amended.

JUDGE, TWENTY-THIRD JUDICIAL DISTRICT COURT



Original Signed by
Donna Taylor

July 3, 2012

D.Y. CLERK & RECORDER ASCENSION PARISH.LA.

CERTIFICATE OF AUTHORIZATION TO EXPROPRIATE

The Department of Transportation and Development contemplates and plans to construct certain projects for the improvement of various highways throughout the State of Louisiana.

The project presently planned by the Department of Transportation and Development is hereinafter set forth:

STATE PROJECT NO(S). H.002370 STATE PROJECT NO(S). 260-01-0026 LA 42 (US 61- LA 44) STATE ROUTE LA 42 PARISH OF ASCENSION

This project provides for construction, including grading, class II base course, superpave asphaltic concrete pavement, Portland cement concrete pavement, raised median, concrete curb & gutter, drainage structure and earthwork, on that portion of LA 42 in Ascension Parish, Louisiana, as follows:

LA 42: State Project Number H.002370 / 260-01-0026 begins at approximate Highway Survey Station 100+00.00 (C. S. Log Mile 0.000), then proceeds in an easterly direction and ends at approximate Highway Survey Station 291+00.00 (C. S. Log mile 3.340).

The total roadway length for this project is approximately 19,100.00 feet or approximately 3.617 miles.

The construction of the above described project will be conducive to the public interest, convenience and safety and will enable the Department of Transportation and Development to properly fulfill the functions imposed upon it by law.

The proper construction of said described project is dependent upon the acquisition of the rights of way as fixed by the Chief Engineer, Office of Engineering, for the said project and such other rights as may be appurtenant thereto.

It is necessary and useful to take, by expropriation for highway purposes and in the manner provided by law, in servitude or in full ownership, the property and property rights not otherwise acquired, which are needed for the proper construction of said project.

Pursuant to the authority vested in me by the provisions of L.R.S. 36:501 et seq., and L.R.S. 48:11 et seq., as Secretary of the Department of Transportation and Development, it is necessary and useful to take and, as required by L.R.S. 48:442(3)(a), I hereby approve and authorize the Department of Transportation and Development to take by expropriation for highway purposes and in the manner provided by law, in servitude or in full ownership, the property and property rights not otherwise acquired, and which are needed for the proper construction of State Project No(s). H.002370/260-01-0026, LA 42 (US 61 – LA 44), State Route LA 42, Parish od Ascension.

Baton Rouge, Louisiana, this 3rd day of July, 2012.

SHERRI H. LEBAS, P.E.

SECRETARY

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

i, Albert Devid, assistant custodien of official records of the Department of Transportation and Development of the State of Louisians, do cartify under the provisions of R.S. 13:3712 and Chapter 9 of the Louisians Code of Reddence that the attached page(a) is (ere) a true and correct copy (copies) of the original(s) which is (ere) in my custody and possession in my official capacity.

Section Rouge, Louisians, La day of Jul

Allest David

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT STATE OF LOUISIAMA

... 2 ...

RECEIVED AND FILED KERMIT HART BOUROUE CLERK OF COURT

2014 JUN 11 AM 10: 17 Original Signed by Donna Taylor

D.Y. CLERK & RECORDER ASCENSION PARISH. LA

CERTIFICATE

OF THE

CHIEF ENGINEER

I hereby certify that I have fixed the right of way required to construct STATE PROJECT NO. H.002370 / 260-01-0026, LA 42 (US 61 - LA 44), ROUTE LA 42, ASCENSION PARISH, in a manner sufficient in my judgment to provide presently and in the future for the public interest, safety, and convenience.

> JANICE P. WILLIAMS, P.E. CHIEF ENGINEER ADMINISTRATOR

> > EXHIBIT P-2

RECEIVED AND FILED KERMIT HART BOUROUE CLERK OF COURT

2014 JUN 11 AM 10: 17

Original Signed by Donna Taylor

O.Y. CLERK & RECORDER ASCENSION PARISH. LA

CERTIFICATE

NO

LOCATION AND DESIGN

We hereby certify that the location and design of the improvements proposed within STATE PROJECT NO. H.002370 / 260-01-0026, LA 42 (US 61 – LA 44), ROUTE LA 42, ASCENSION PARISH, are in accordance with the best modern practices adopted in the interest of the safety and convenience of the traveling public.

JANICE P. WILLIAMS, P.E.

CHIEF ENGINEER ADMINISTRATOR

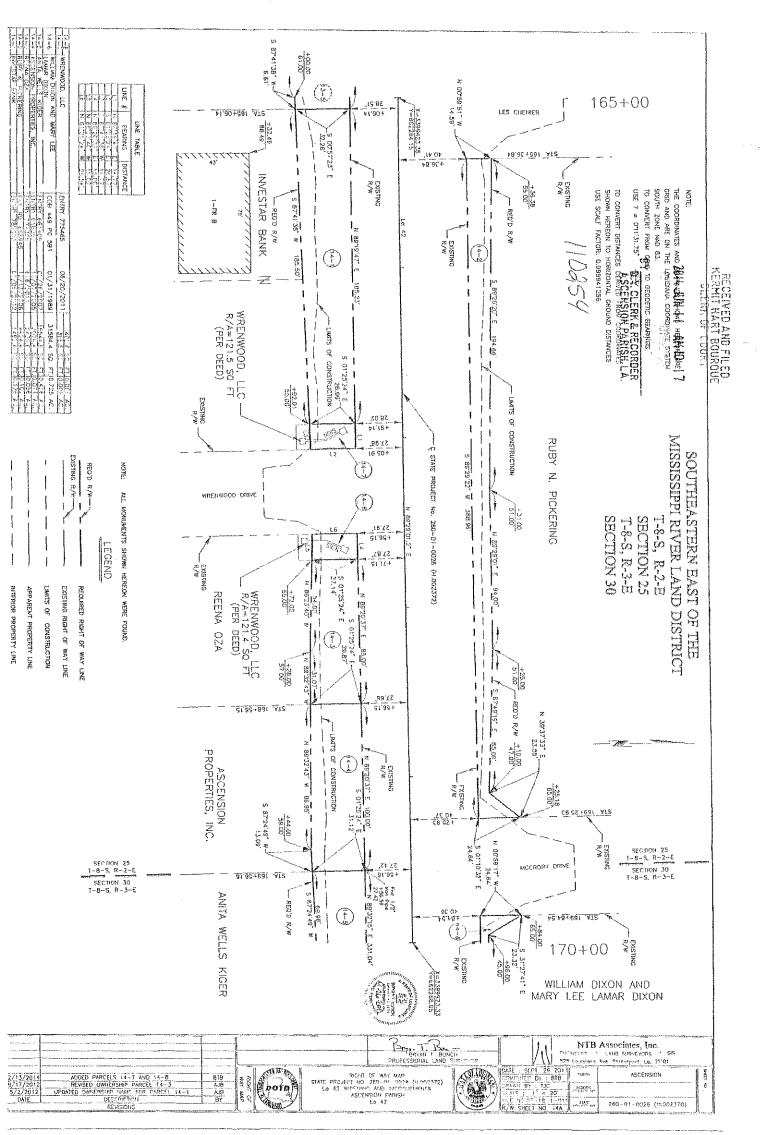
5/20/19

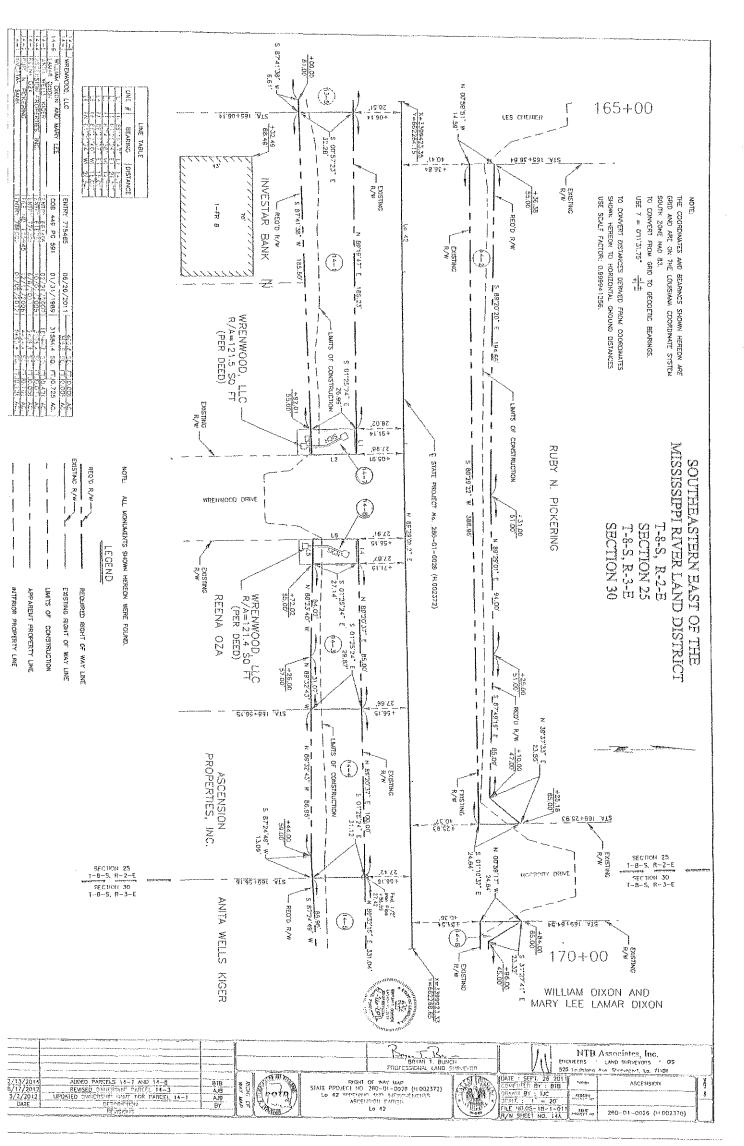
Ar CHAD WINCHESTER, P.E.

BOAD DESIGN ENGINEER ADMINISTRATOR

PAUL FOSSIER, P.E.

BRIDGE DESIGN ENGINEER ADMINISTRATOR





RECEIVED AND FILED KERMIT HART BOURDUE CLERK OF COURT

2014 JUN 11 AM 10: 17

SPN: H.002370.3 (260-01-0028) La. 42, Highway Improvement Ascension Parish, Louisiana Parcel 14-7 and 14-8

Original Sured by a Domaia Taylor.

O.Y. CLERK & RECORDER ASCENSION PARISH. LA. 43

CERTIFICATE

OF ESTIMATE OF COMPENSATION (LAND AND IMPROVEMENTS)

I, the undersigned, hereby certify that I have made a careful investigation of the property identified as Parcel Number(s) 14-7, 14-8, and its (their) remainder(s) which is the subject matter of this estimate, that I am familiar with land values in the vicinity, and that I estimate the compensation to be as follows:

VALUE OF LAND AND IMPROVEMENTS DAMAGES ADDITIONAL COMPENSATION TOTAL ESTIMATE OF COMPENSATION \$36,085.00 \$36,085.00
Methodology Used: 1. Sales Comparison Approach 2. Cost Approach 3. Income Capitalization Approach
Michael J. DeFelice 22820 Old Scenic Highway Zachary, Louisiana, 70791
Qualifications: X
Zachary, Louisiana, March 25, 2014 My C. Back. Michael J. DeFelice; MAI, Louisiana State Certified, General Real Estate Appraiser, G0123
Total Approved Amount of Compensation to the full extent of the owner's loss \$ 36,085.00 13 3014 14 14 15 15 15 15 15

Development, State of Louisiana

RECEIVED AND FILED MERMIT HART BOURDUE CLERK OF COURT

STATE OF LOUISIANA, DEPARTMENT SUIT NUMBER: // D 954
OF TRANSPORTATION & DEVELOPMENT Suit Substitution by

VS.

D.Y. CLERK & RECORDER HEIAL DISTRICT COURT ASCENSION PARISH. LA

PARISH OF ASCENSION

WRENWOOD, L.L.C.

STATE OF LOUISIANA

ORDER OF EXPROPRIATION

DIVISION B
INSTRUMENT # 00852369
FILED AND RECORDED
ASCENSION CLERK OF COURT
2014 JUN 24 01:23:18 PM

The petition, exhibits and the premises considered:

TRANSPORTATION AND DEVELOPMENT, do deposit in the registry of this copies for the use and benefit of the person or persons entitled thereto, the sum of Thirty-Six Thoistaid Enghty-Fiver and No/100 Dollars (\$36,085.00).

AND IT IS HEREBY FURTHER ORDERED that the full ownership of the property described below, together with all of the improvements situated wholly or partially thereon, subject to the reservation in favor of Wrenwood, LLC of all oil or gas located under the property described below, or the royalties therefrom, in accordance with law, and subject to any existing oil or gas reservation or to any existing oil or gas lease, is expropriated and taken for highway purposes as of the time of such deposit, according to law, said property being described as follows, to-wit:

Two (2) certain tracts or parcels of land, together with all of the improvements situated wholly or partially there on, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Ascension, State of Louisiana, and in Section 25, Township 8 South, Range 2 East, Southeastern East of the Mississippi River Land District, identified as Parcel Nos. 14-7 & 14-8, on a white print of a plat of survey, consisting of Sheet No. 14A, made by Bryan T. Bunch, Registered Land Surveyor, dated 9/26/2011, revised, annexed to the above numbered and entitled suit, said tracts or parcels being outlined in red and being more particularly described in accordance with said plat of survey, as follows:

REQUIRED IN FULL OWNERSHIP

PARCEL NO. 14-7:

From a point on the centerline of Construction State Project No. H.002370 (260-01-0026), at Highway Survey Station 166+91.14, proceed S01°25'24"E a distance of 28.02 feet to the point of beginning; thence proceed N89°19'47"E a distance of 14.77 feet to a point and corner; thence proceed S01°25'24"E a distance of 26.57 feet

STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELOPMENT VS.

WRENWOOD, L.L.C.

SUIT NUMBER: 23RD JUDICIAL DISTRICT COURT PARISH OF ASCENSION

STATE OF LOUISIANA

ORDER OF EXPROPRIATION (Continued)

to a point and corner; thence proceed S87°41'38"W a distance of 14.77 feet to a point and corner; thence proceed N01°25'24"W a distance of 26.99 feet to the point of beginning. All of which comprises Parcel 14-7 as shown on Sheet 14a of the Right of Way Plans of State Project No. H.002370 (260-01-0026), and contains an area of approximately 395.5 square feet or 0.009 of an acre.

PARCEL NO. 14-8:

From a point on the centerline of Construction State Project No. H.002370 (260-01-0026), at Highway Survey Station 167+56.15, proceed S01°25'24"E a distance of 27.91 feet to the point of beginning; thence proceed N89°20'37"E a distance of 15.00 feet to a point and corner; thence proceed S01°25'24"E a distance of 27.14 feet to a point and corner; thence proceed N88°23'40"W a distance of 15.02 feet to a point and corner; thence proceed N01°25'24"W a distance of 26.54 feet to the point of beginning. All of which comprises Parcel 14-8 as shown on Sheet 14a of the Right of Way Plans of State Project No. H.002370 (260-01-0026), and contains an area of approximately 402.6 square feet or 0.009 of an acre.

Being a portion of the same property acquired by defendant by Act recorded 6/20/2011, in Entry 775465, of the conveyance records of Ascension Parish, State of Louisiana.

AND IT IS HEREBY FURTHER ORDERED that this matter be tried by jury upon the plaintiff making a cash deposit in accordance with LA C.C.P. Art. 1734.1. Upon the setting of this matter for trial, the court shall fix the amount due and the time of said deposit, which time shall be no later than thirty (30) days prior to trial.

AND IT IS HEREBY FURTHER ORDERED that this Order of Expropriation be recorded in the Conveyance Records of this Parish.

AND IT IS HEREBY FURTHER ORDERED that the defendant, Wrenwood, LLC, vacate the above described property and surrender possession thereof unto the plaintiff immediately upon the deposit of the estimated just compensation into the registry of this Court.

Original Signed by Thomas J. Kliebert, Jr.

JUDGE, TWENTY-THIRD JUDICIAL DISTRICT COURT

KERMIT HART BOURDUE CLERK OF COURT

2014 JUN 11 AM 10: 16 STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION & DEVELORME

110254

VS.

SUIT NUMBER:
15 Y. CLERREIREGUARER TAL
ASCENSION PARISH. LA FAL DISTRICT COURT

COB

PARISH OF ASCENSION

WRENWOOD, L.L.C.

STATE OF LOUISIANA

RECEIPT

KERMIT BOURQUE, CLERK OF COURT

TO

FILED AND RELORDED ASCENSION CLERK OF COURT

THE STATE OF LOUISIANA, AND 2014 JUN 24 01:29:23 PM THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT THER.

STATE OF LOUISIANA PARISH OF ASCENSION

Denoux DEPUTY CLERK & RECORDER

CERTIFIED TRUE COPY BY

that on day

2014 before me, FEPUTY CLERK

Deputy Clerk of Court and Ex-officio Notary Public, in and

for the Parish of Ascension, State of Louisiana, duly commissioned and qualified, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared Kermit Bourque, a resident of the Parish of Ascension, State of Louisiana, and Clerk of the Twenty-Third Judicial District Court for the State of Louisiana, in and for the Parish of Ascension.

The appearer declared that in the cause entitled "STATE OF LOUISIANA, DEPARTMENT TRANSPORTATION AND DEVELOPMENT VS. WRENWOOD, LLC," No. of the docket of said court, the State of Louisiana seeks the expropriation of the full ownership of the property described below, together with all of the improvements situated wholly or partially thereon, subject to the reservation in favor of the owners of all oil or gas located under the property described below, or the royalties therefrom, in accordance with law, and subject to any existing oil or gas reservation or to any existing oil or gas lease, for the project set forth in the petition, said property being described as follows, to-wit:

Two (2) certain tracts or parcels of land, together with all of the improvements situated wholly or partially there on, and all of the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish

of Ascension, State of Louisiana, and in Section 25, Township 8 South, Range 2 East, Southeastern East of the Mississippi River Land District, identified as Parcel Nos. 14-7 & 14-8, on a white print of a plat of survey, consisting of Sheet No. 14A, made by Bryan T. Bunch, Registered Land Surveyor, dated 9/26/2011, revised, annexed to the above numbered and entitled suit, said tracts or parcels being outlined in red and being more particularly described in accordance with said plat of survey, as follows:

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Being a portion of the same property acquired by defendant by Act recorded 6/20/2011, in Entry 775465, of the conveyance records of Ascension Parish, State of Louisiana.

The appearer further declared that in accordance with an order of the court signed herein, the Department of Transportation and Development, on behalf of the State of Louisiana and of itself, has this day paid into the registry of said court the sum of Thirty-Six Thousand Eighty-Five and No/100 Dollars (\$36,085.00) in cash, lawful current money of the United States of America, by delivering said sum to the said Clerk of Court and said appearer further acknowledges receipt of said sum and declares that he has placed same in the registry of said court.

THUS DONE, READ AND PASSED at my office in the City of Donaldsonville, Parish of
Ascension, State of Louisiana, in the presence of Melinia Dining and
Katy Burns, competent witnesses, who have hereunto signed their names with
the appearer and me, said Notary, the day, month and year first above written.
Organia Spina Kemat Hart Baurger Holly Burg
Mande Smin O
DEPUTY CLERK OF COURT AND EX-OFFICIO NOTARY PUBLIC